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*Attorney for Mtronics.com, Inc., successor by merger  
to Multitronics Inc.*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re:	:	Chapter 11
	:	Case No. 05-44481 (RDD)
DPH HOLDINGS CORP, <i>et al.</i> ,	:	
	:	
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	:	
DELPHI AUTOMOTIVE SYSTEMS, LLC,	:	
	:	
Plaintiff,	:	Adv. Pro. No. 07-02500 (RDD)
	:	
v.	:	
	:	
MULTITRONICS INC., and	:	
MTRONICS.COM, INC., successor by merger,	:	
	:	
Defendants.	:	
-----X	:	

**NOTICE OF FILING DECLARATION OF ASHOK K. MAHBUBANI IN SUPPORT OF  
MTRONICS.COM, INC.’S OPPOSITION TO REORGANIZED DEBTORS’ MOTION  
FOR LEAVE TO FILE AMENDED COMPLAINTS**

Mtronics.com, Inc., successor by merger to Multitronics, Inc. (“Mtronics”), files the Declaration of Ashok K. Mahbubani, President and CEO of Mtronics, in accordance with this Court’s June 21, 2011 directives and in further support of its opposition to the *Reorganized*

*Debtors' Motion for Leave to File Amended Complaints* [Docket No. 20575, Lead Bankruptcy 05-44481] (the "Motion to Amend"), and respectfully states as follows:

1. On September 26, 2007, the Reorganized Debtors filed under seal that certain *Complaint To Avoid and Recover Transfers Pursuant To 11 U.S.C. §§ 547 and 550* (the "Original Complaint") initiating the above-styled adversary proceeding.

2. Mtronics did not receive service of the Original Complaint until on or about March 29, 2010. Mtronics had no notice or knowledge of this lawsuit (including, without limitation, any motions/orders related to this proceeding) prior to March 29, 2010.

3. On May 14, 2010, Mtronics filed a *Motion to Dismiss* [Docket No. 19, Adv. Pro. 07-2500], based, in part, on the Reorganized Debtors' failure to satisfy Federal Rule 4(m) (as incorporated by Bankruptcy Rule 7004(a)(1)) and 11 U.S.C. § 546(a), and the ineffectiveness of the Reorganized Debtors' ex parte proceedings before the Court.

4. On June 6, 2007, the Reorganized Debtors filed an *Omnibus Response to Motions Seeking, Among Other Forms of Relief, Orders to Vacate Certain Procedural Orders Previously Entered by this Court and to Dismiss the Avoidance Actions Against the Moving Defendants* [Docket No. 20, Adv. Pro. 07-2500].

5. On July 2, 2010, Mtronics filed its *Reply to Reorganized Debtors' Omnibus Response to Motions Seeking, Among Other Forms of Relief, Orders to Vacate Certain Procedural Orders Previously Entered By This Court and to Dismiss the Avoidance Actions Against the Moving Defendants* [Docket No. 21, Adv. Pro. 07-2500] and addressed the Reorganized Debtors' failure to serve Mtronics with the extension motions and extension orders which had extended the time for service of the Original Complaint.

6. Following oral arguments before this Court on July 22, 2010, this Court signed that certain *Order Granting in Part First Wave Motions to Dismiss* [Docket No. 26, Adv. Pro. 07-2500] (the “Dismissal Order”) dismissing the Reorganized Debtors’ Original Complaint.

7. Following the dismissal of their Original Complaint, the Reorganized Debtors filed their Motion to Amend on September 7, 2010.

8. Mtronics responded by filing a *Brief in Opposition to Reorganized Debtors’ Motion for Leave to File Amended Complaints* on November 24, 2010 [Docket No. 28, Adv. Pro. 07-2500], in which Mtronics again addressed, among other things, the Reorganized Debtors’ failure to serve Mtronics with the extension motions and extension orders which had extended the time for service of the Original Complaint.

9. The Reorganized Debtors filed an *Omnibus Reply in Further Support of Motions for Leave to File Amended Complaints* on January 28, 2011 [Docket No. 30, Adv. Pro. 07-2500].

10. Mtronics filed its *Sur-reply and Joinder in Support of Objections to the Reorganized Debtors’ Motion for Leave to File Amended Complaints* on June 16, 2011 [Docket No. 34, Adv. Pro. 07-2500].

11. On June 21, 2011, the Court held a hearing on the Motion to Amend and authorized any defendant that did not receive notice of the extension motions, with particular emphasis on the “fourth extension motion,” to file a declaration to that effect within three weeks.

12. The Reorganized Debtors did not serve Mtronics with a copy of the fourth extension motion, nor did the Reorganized Debtors serve Mtronics with the preceding extensions motions. As discussed in Mtronics’ previous filings, such is actually evidenced by the corresponding affidavits of service filed by the Reorganized Debtors. [See Docket Nos. 9039, 12970, 13415, and 18967, Lead Bankruptcy 05-44481].

13. Mtronics did not have notice or knowledge of the fourth extension motion, or of the preceding extensions motions, until after the relief sought therein had been granted. Mtronics first received notice of the fourth extension motion, and of the preceding extension motions, after its receipt of the Original Complaint on or about March 29, 2010.

14. In further support of these facts and Mtronics' opposition to the Motion to Amend, and in accordance with this Court's direction, Mtronics submits the *Declaration of Ashok K. Mahbubani in Support of Mtronics.com, Inc.'s Opposition to Reorganized Debtors' Motion for Leave to File Amended Complaints* attached hereto as **Exhibit A**.

15. Because the Court asked that defendants submit a declaration as to the Reorganized Debtors' effectuation of service only, Mtronics reserves the right to file a supplemental declaration as to the resulting prejudice suffered by Mtronics.

WHEREFORE, Mtronics respectfully requests that the Reorganized Debtors' Motion to Amend be denied with prejudice in all respects as to Mtronics, and that the Court grant it such other and further relief as is just and proper.

Respectfully submitted this the 12th day of July, 2011.

\s\ T. Parker Griffin, Jr.  
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**OF COUNSEL:**

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**CERTIFICATE OF SERVICE**

I hereby certify that on this the 12th day of July, 2011, a copy of the above and foregoing was served electronically through the Court's CM/ECF system to all parties consenting to such service, and via electronic email and/or United States first class mail, properly addressed and postage prepaid, upon the following:

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United States Bankruptcy Court  
Southern District of New York  
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\s\ T. Parker Griffin, Jr.  
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